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OFFICE OF PETITIONS

ON PETITION

In re Reissue Application of
Roger K. Stone
Reissue Application No. 09/910,986
Filed: July 20, 2001
Attorney Docket No. 0585MH-41322

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 20, 2002, which set a shortened statutory period for reply of three (3) months. A three months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned after midnight May 20, 2003.

In response, petitioner submitted with the instant petition \$665 for the petition to revive fee and an amendment.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition is **GRANTED**.

The application file is being forwarded to Technology Center Art Unit 3673 for further review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy